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Section II (Remarks)**Finalization of the Restriction Requirement**

In the March 7, 2005 Office Action, the restriction requirement imposed in the December 14, 2004 Office Action has been made final.

In acknowledging the finality of the restriction requirement, applicants affirm their prior request for rejoinder of the withdrawn Group II claims 50-79 upon finding of allowable subject matter in Group I claims 1-49, pursuant to the requirements of MPEP 821.04.

Consistent therewith, applicants have correspondingly amended the withdrawn claims, in claims 50, 63, 73-74 and 77 thereof, for consistency with the amended Group I claims, as amended herein and discussed more fully hereinafter with respect to their patentable distinction over the cited references.

The Rejection of Claims 11, 31, 41-42 and 47 Under 35 USC §112, Second Paragraph

In the March 7, 2005 Office Action, claims 11, 31, 41-42 and 47 were rejected under 35 USC §112, second paragraph as indefinite.

Claims 11, 31, 42 and 47 were objected to as reciting the trademark TYVEK in the claims, and the trademark recital of "Tyvek® film" has now been replaced in claims 11, 31, 42 and 47 by a recital of "film of heat- and pressure-consolidated flash-spun high density polyethylene fibers" to recite the film without reference to the trademark of the film material.

Claims 41-42 were objected to as containing recital of the antecedent-lacking phrase "said non-porous structural component" in line 2 of claim 41 and in line 1 of claim 42, and such phrase has been amended in each instance to "sheet form structural component," thereby resolving the issue of antecedent basis.

The claims 1-49 as thus amended now comport with the requirements of 35 USC §112, second paragraph.

Rejection of Claims on Reference Grounds, and Traversal Thereof

In the March 7, 2005 Office Action, claims 1-49 were rejected on reference grounds, including:

- a rejection of claims 1-2, 5-6, 10, 12-22, 25-26, 30, 32-41 and 43-46 under 35 USC §102(b) as anticipated by Hirsch et al. U.S. Patent 4,055,672 ("Hirsch");
- a rejection of claims 1-2, 5-22, 25-36, 40 and 43-46 under 35 USC §102(b) as anticipated by Anderson et al. U.S. Patent 5,418,022 ("Anderson");
- a rejection of claims 3-4 and 23-24 under 35 USC §103(a) as unpatentable over Hirsch in view of Brown et al. U.S. Patent 5,217,772 ("Brown");
- a rejection of claims 7-9, 11, 27-29, 31, 42 and 47-49 under 35 USC §103(a) as unpatentable over Hirsch in view of Anderson; and
- a rejection of claims 3-4 and 23-24 under 35 USC §103(a) as unpatentable over Anderson in view of Brown.

These rejections of the claims are traversed, and reconsideration of the patentability of the claims as amended herein is requested, in light of the ensuing remarks.

Patentable Distinction of Claims 1-49 Over the Cited References

Claims 1 and 22 have been amended herein and patentably distinguish over the cited references, and all other claims 2-21 and 23-49 are dependent under claims 1 and 22, respectively.

Each of claims 1 and 22 as amended now recites a multilayer structure "comprising a peelable film in facial contact with the first layer of porous material" (emphasis added). Such recital is fully consistent with and supported by the specification at page 9, paragraph [0027] lines 3-4 ("a first layer 24 of a peelable polymeric film material in facial contact with the porous material sheet 26").

Such "facial" – i.e., direct face-to-face – contact of the peelable layer and porous layer is absent in the structures of the cited references.

Hirsch et al. teaches a controlled atmosphere package in which a peelable gas impermeable outer layer is not in facial contact with a gas permeable inner layer, but rather is separated therefrom by an intervening adhesive layer 26 – see FIGS. 1 and 2 of Hirsch et al.

Anderson et al. teaches a package including a spunbonded olefin pocket having side flanges defining a peel seal area 30 as a perimeter around the pocket, to which is secured (by adhesives or heat sealing – see column 2, lines 16-17 of Anderson et al.) a lidding sheet. There is thus no facial contact between the lidding sheet and the spunbonded olefin, but contrariwise an edgewise, or marginal contact only therebetween, in consequence of the requirement that the spunbonded olefin must form a pocket (see

column 1, lines 1-12 of Anderson et al. ("This invention relates to.... a method of forming a pocket in a spunbonded olefin sheet"))).

Brown et al., like Anderson et al., fails to disclose facial contact of the layer of fibrous material and the layer of plastic material, since Brown et al. teaches a package "having a layer of fibrous material and a layer of plastic material forming a pocket therebetween" (emphasis added). At the edges or margins of the package, longitudinal strips of release agent are provided, as shown for example in FIGS. 2, 3 and 5 of Brown et al. There is nothing suggestive of facial contact of a peelable film and a porous material layer as in applicants' claimed invention.

The references made of record and not relied on (Weiss et al. U.S. Patent 6,251,489, Pettersson et al. U.S. Patent 6,065,597, Stockley III, et al. U.S. Patent 5,591,468, Horvath U.S. Patent 4,461,420, and Weiss et al. U.S. Patent 5,459,978) have been reviewed but such references do not raise any issues of patentability of the pending claims as now amended.

In sum, none of the cited references, singly or in any combination thereof, teaches, discloses or in any way suggests the multilayer web article and package of the applicants' claimed invention, as recited in amended claims 1-49.

The Examiner therefore is respectfully requested to issue a Notice of Allowance for the application.

Respectfully submitted,



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